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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-fifth session

SUMMARY RECORD OF THE 8th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 26 April 2001, at 3 p.m.

Chairperson: Mr. ATANGANA (Vice-Chairperson)

later: Ms. BONOAN-DANDAN (Chairperson)

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Honduras (continued) (E/1990/5/Add.40; HRI/CORE/1/Add.96; E/C.12/Q/HON/1; E/C.12/CA/HON/1; written replies of Honduras (document without a symbol distributed in the meeting room in Spanish only))

1. At the invitation of the Chairperson, the members of the delegation of Honduras resumed their places at the Committee table.

Article 10 of the Covenant (continued)

2. The CHAIRPERSON invited the delegation of Honduras to reply to the questions outstanding from the previous meeting.

3. Ms. PINEDA (Honduras), replying to a question on the protection of women and the lack of specialist courts or magistrates, said that there were special family courts and children's courts. The reason why some cases were not followed up on was that the women who had been victims of violence had not filed a complaint. Under Honduran law, the judiciary was not able to institute proceedings *proprio motu*.

4. Ms. ORTEGA (Honduras) said that, in 1998, the Honduran Institute for Children and the Family (IHNFA) had established a joint committee with non-governmental organizations (NGOs) to look into the problem of street children and prepare a national plan based on the mobilization of society, inter-agency coordination, the strengthening of institutions, preventive measures and the integration of such children into family life and society. Agreements had been signed with NGOs for a pilot project funded by profits from the sale of national lottery tickets and from the Institute's budget. Other government bodies, such as the Honduran Social Investment Fund, were implementing social assistance projects. The role of the NGOs in protecting children was an important one because they had been working in that area since long before the entry into force of legislation such as the Childhood and Adolescence Code.

5. Mr. MEDINA (Honduras), answering a question on housing, said that there was a Social Housing Fund, which was financed by employees and employers.

6. Mr. CARIAS (Honduras) said that tens of thousands of homes had been or were being built under projects funded by the Government, local and international NGOs or foreign Governments. Even so, he put the shortage of homes at around 600,000 and said that there were many makeshift homes that lacked drinking water and were unhealthy. Unfortunately, budgetary

resources made it impossible to meet all the needs in that area. The Government was trying to improve the housing situation in urban and rural areas, in order to strengthen social cohesion and alleviate poverty. Beneficiaries were directly involved in building or improving their own homes. Congress was currently discussing a bill on the modernization of the housing stock.

7. Mr. MEDINA (Honduras), replying to a question on deforestation, said that some agricultural practices and extensive livestock farming were destroying many wooded areas. In addition to private logging, the State forestry administration awarded licences for logging in State-owned forests. Deforestation directly increased the vulnerability of zones affected by rain and storms. Hurricane Mitch, for example, had caused less damage in the most heavily forested areas. The Government should shoulder more of the responsibility for protecting forests through education and training programmes and rational exploitation of forestry resources.

8. Ms. PINEDA (Honduras) said that there were unfortunately no statistics on child prostitution or child abuse. The Institute for Children and the Family had set up three types of programmes, focusing on community well-being, social intervention and social rehabilitation and reintegration. The community well-being programmes made special arrangements to look after children under the age of six whose parents worked. Under the social intervention programme, children and young people at risk were placed in a host family at the State's expense, or in shelters for short periods. The biological family was always involved and it was only as a last resort that children were put in detention centres. The rehabilitation and social reintegration programme targeted juvenile offenders.

9. Mr. WIMER ZAMBRANO asked whether there was a national housing plan and whether an official body coordinated the work of the various actors in the area of housing.

10. Mr. CARIAS (Honduras), referring to the Government's Poverty Reduction Strategy Paper, said that the Ministry for the Presidency and, in particular, the Office for R construction and National Transformation were responsible for improving living standards.

11. Mr. MARCHAN ROMERO asked for details concerning the problem of youth gangs (*maras*), which had apparently become more serious than the street children problem. What steps were being taken to solve it?

12. Ms. ORTEGA (Honduras) said that, in August 2000, Congress had requested a technical committee of representatives of public bodies to look into the gang problem. After having consulted young adults and children belonging to such gangs, and their families and other communities that were not affected by the problem, the committee had prepared a national plan based on prevention, respect for human rights and family involvement.

Articles 11 and 12 of the Covenant

13. The CHAIRPERSON invited Committee members to put questions on articles 11 and 12 of the Covenant.

14. Mr. RIEDEL asked what measures the Government had taken or intended to take to provide police with training in the 1997 law on family violence. With regard to privatization of health care, he asked whether the Government had taken steps to halt the deterioration of health services and the charging of fees for certain types of care. He recalled that, pursuant to the Committee's General Comment No. 14 (E/C.12/2000/4), health services should be reasonably accessible, which did not always seem to be true in the case of certain remote areas or for indigenous groups. Noting that Honduras had the highest HIV/AIDS infection rate in Central America and that more women were now affected than men, he asked for information on the availability and price of AIDS drugs. Was the Government negotiating with pharmaceutical companies or donor countries? Had it drawn up an anti-AIDS plan? He found it regrettable that the reproductive health awareness campaigns were aimed only at women. Were there any health education programmes?

15. On the issue of health and safety at work and environmental pollution, he asked what steps the Government had taken to deal with the adverse effects of gold mining on health. Pursuant to the Committee's General Comment No. 14, the Honduran Government was obliged to prevent mining companies from violating the right to health of others. It should, for example, establish an independent regulator for the mining industry and ensure that environmental impact assessments were carried out by independent companies. Lastly, he said it was regrettable that the office of the special procurator for environmental protection did not have a say in granting mining concessions.

16. Mr. TEXIER noted that poverty levels were very high and that a large proportion of government revenue was spent on external debt service. He asked what general measures were being taken to combat poverty, in particular in the context of the external debt negotiations being conducted with the various bodies involved, including the International Monetary Fund (IMF) and the World Bank. Given that smallholdings accounted for no more than 11 per cent of agricultural land and that many farmers had no land at all, he wondered whether the Honduran Government had any plans for land reform that would give peasant farmers a minimum of access to land, and whether such a reform would apply to indigenous groups. Lastly, he asked whether there was any global policy to address the adverse effects of mining on the population, in particular with regard to housing.

17. Mr. HUNT asked for details regarding the law on the treatment and hospitalization of the mentally disabled. Was there an independent oversight body? With regard to the procedures for granting mining concessions under article 60 of the law on mining, he asked whether it would not be preferable for concessions to be announced not only in the national press, but also locally, and for the deadline for objections to be set at two or three months instead of 15 days as at present.

18. Mr. THAPALIA welcomed the fact that Honduras now had a genuine food policy that targeted the poorest people and other vulnerable groups such as pregnant women. He would nevertheless have welcomed statistics, broken down by sex and region, on the population living below the poverty line. What effect did consumer price variations have on that group and what measures had been taken to meet their needs? Could the delegation say what the impact of antipoverty measures had been?

19. Mr. CEAUSU noted that the infant mortality rate in Honduras had declined, but said that no information had been provided on maternal mortality rates. In order to get a clear idea of the health situation in rural areas it would be useful to know how many doctors and medical auxiliaries overall were working in such areas, and how the 727 rural health centres were managed and equipped.

20. Mr. MARTYNOV said that the report certainly contained a good deal of information on health but said nothing about the regions where indigenous groups lived. If indigenous communities were not included in the Ministry of Health's epidemiological studies, what was the value of the Government's health measures? Could the Government encourage the Ministry of Health to conduct epidemiological studies on the entire population?

21. Ms. ORTEGA (Honduras) said that, in accordance with the law on family violence, adopted in September 1997, training in that area was now provided for police, judges and prosecutors in order to help them to deal with the problem better.

22. Mr. CARIAS (Honduras) acknowledged that, by any standard, poverty levels were very high in Honduras, but it was difficult to combat poverty given the level of external debt, which swallowed up around 34 per cent of the State budget. There had never been any question of privatizing the health sector. Access to health care in rural areas had been improved by the establishment of hospitals and maternity clinics. Great efforts had been made in the area of medical training and 210 medical auxiliaries, for example, had been trained in regions where indigenous groups lived. The Government had also concluded agreements with private hospitals for the provision of costly medicines to public hospitals.

23. Honduras was paying particular attention to the HIV/AIDS problem. There were now 15,200 people living with HIV/AIDS and between 4,000 and 6,000 children had been orphaned by the disease. For the moment, patients were not being given antiretrovirals, owing to their very high cost, but a number of countries had been contacted with a view to acquiring antiretrovirals more cheaply. The establishment of the National Blood Council, which acted as a clearing house for all donated blood, had made it possible to cut the rate of transmission of HIV/AIDS by blood transfusion to 0.6 per cent. However, Honduras was also affected by other infectious diseases, including dengue and haemorrhagic diarrhoea, which accounted for a major portion (between 8 per cent and 13 per cent) of the health budget. With regard to reproductive health policy, he said the Catholic church and organizations such as Provida were fiercely opposed to the Ministry of Health campaigns to encourage the use of condoms. The delegation did not, however, have any figures on the rate of use.

24. Mr. MEDINA (Honduras) said that the Ministry of Natural Resources and the Environment encouraged mining but also made efforts to protect the environment. There was a specialist environmental protection unit in the Public Prosecutor's Office with responsibility for investigating any irregularities on the part of the officials who granted logging or mining permits. The unit was not empowered to punish illicit actions, but irregularities were immediately brought to the attention of the Public Prosecutor's Office, which could, if appropriate, institute criminal proceedings against the perpetrators.

25. Ms. CASTELLON VILLELA (Honduras) said the structural adjustment policy had had both positive and negative effects on the country's economy. Honduras had, for example, been able to renegotiate its external debt with the Paris Club, arrange for cancellation of some of its debts and restructure its budget system to make it more equitable. On the other hand, the policy had led to devaluation of the currency, a fall in purchasing power and increases in value added tax and the cost of postal services. Meanwhile, the external debt burden had grown between 1998 and 1999 but the State still did not have the resources to cope with it. Honduras spent some 34 per cent of its national budget on debt service repayments. Lastly, she said that considerable efforts had been made to improve social welfare and significant resources had been allocated to special programmes such as housing.

26. Mr. PONCE TURCIOS (Honduras) said that the maternal mortality rate had been 196 per 100,000 live births in 1996; and that the number of mentally disabled persons was estimated to be 620,000, while the number of disabled children was put at 225,000, 80 per cent of them in rural areas. The Honduran Social Security Institute, which had 500,000 members, had introduced compulsory social insurance for all. The average pension was around US$ 18 per month.

27. Mr. CARIAS (Honduras), said that, although it was difficult to give precise figures for the infant mortality rate, since only 47 per cent of births were registered, infant mortality and maternal mortality had certainly declined since 1993. There were now 8.7 doctors per 10,000 inhabitants, as against 6.9 per 10,000 in 1993, while diseases such as poliomyelitis and diphtheria had been completely eradicated. Life expectancy had increased from 67.2 years in 1993 to 69.3 years in 1999.

28. Mr. MEDINA (Honduras) said that the Government was sensitive to peasants' demands for land and that, in accordance with the law on agrarian reform, which aimed to divide up large agricultural estates (*latifundios*) into smaller plots, many individuals and peasant groups had been granted title to property, both in mountainous areas and in the lowlands. Indigenous groups also benefited from measures of that kind, as was demonstrated by the fact that more than 100 title deeds, to land covering a total area of more than 100,000 hectares, had been granted to several indigenous groups in 1997. Traditionally, such groups did not form associations to assert their right to land but took individual steps to do so. They did, however, favour collective exploitation of land and the cooperative system. With regard to the law on mining, he fully agreed with Mr. Hunt's suggestion that the announcement that a mining concession had been granted should be published locally so that the communities affected could be informed and register an objection if they considered it necessary. It would also be a good idea to extend the deadline for objections to three months.

29. Mr. CARIAS (Honduras), replying to the question on the existence or otherwise of an independent oversight body for psychiatric hospitals, said that no such body existed but, in cases of alleged human rights violations, the National Human Rights Commission instituted an inquiry and brought a complaint.

30. Ms. CASTELLON VILLELA (Honduras) said that psychiatric hospital staff had shorter working hours than others in the same profession, but were paid the same. That had been a government initiative in response to the difficult conditions under which such staff worked.

Articles 13 to 15

31. Mr. GRISSA said that only just over 80 per cent of children of school age were enrolled in school, and asked what the enrolment rates were in rural and urban areas. He also wondered what happened to the two thirds of children who dropped out before completing their compulsory schooling, i.e. before the minimum age for admission to work. Did they start work or did they swell the ranks of street children? Was Honduras aware of the consequences that would have for the country in the future? Had any programmes been set up to deal with the problem?

32. Mr. WIMER ZAMBRANO asked what rights speakers of indigenous languages had: was their education based on teaching material in their own languages? Were they able to conduct administrative or other procedures in their own languages? Had university institutes been established to preserve indigenous languages? He also wondered whether television broadcasting was regulated and whether there was a purely cultural channel that broadcast educational programmes. Did the State encourage or subsidize such television programmes?

33. Mr. MARCHAN ROMERO raised the question of indigenous lands in a cultural context: increasing numbers of foreign investors were expressing an interest in acquiring and exploiting land located in the coastal or border regions of the country and were offering to buy indigenous groups' ancestral lands. Some of those offers were accepted, and the continuity of indigenous communities' heritage was thereby put at risk. Could the Government provide more information on the matter and say whether it had taken steps to protect indigenous rights?

34. Mr. CEAUSU asked what importance the Honduran Institute of Anthropology and History attached to the history of the indigenous populations. He wondered whether there was an ethnographical museum dedicated to indigenous groups and whether the Government took steps to preserve archaeological sites, whether there were any national or regional folklore festivals and whether indigenous arts were encouraged.

35. Mr. MARTYNOV asked whether the delegation could supply more recent data on illiteracy in Honduras, since information given in the report dated from 1996. Perhaps it could at least describe what the trend had been? He noted that infant mortality rates were three times higher for children of illiterate mothers and wondered whether the Government intended to set up special education programmes to train mothers-to-be in the responses that might save their children.

36. Mr. HUNT asked whether Honduras would have prepared a national plan for education for all by 2002 (Dakar Framework for Action, April 2000). If so, would it take account of articles 13 and 14 of the Covenant, concerning the right to education, and of General Comments Nos. 11 and 13 on the same subject? Would Honduras be prepared to ask UNESCO for help in preparing and implementing such a plan?

37. Mr. PILLAY referred to a complaint from the black Garífuna community to the effect that the Government was making no effort to preserve Garífuna culture (music, dances, arts and cultural rites) and in fact displayed a great lack of respect for the Garífuna. He wondered whether the complaint was justified.

38. Ms. BARAHONA RIERA said education was very important in combating poverty. In the process of development it was also important to recognize women's and children's rights, and she wondered whether Honduras had launched any campaigns to raise general awareness of those issues. She also wondered whether the Penal Code penalized sexual exploitation and trafficking.

39. Mr. EUCEDA (Honduras) said that enrolment rates in primary schools were higher in towns than in the country, but the Government had made great efforts to help children in remote rural areas, who traditionally did not go to school. As a result of a special programme involving parents in rural areas, for example, more than 500 schools had been built in 2000. The public's response had been very encouraging and the community was actively involved in the running and administration of the schools.

40. Enrolment rates in secondary education were indeed barely 30 per cent, but they had been rising for some years. The reason for that was that a high number of children were completing their primary schooling. The State had therefore made funds available to improve the quality of teaching, and teachers' pay had increased by more than 80 per cent in the last four years. For the two thirds of children who did not attend a secondary school, the Government had created a range of occupational training institutions to prepare them for the labour market. Honduras was well aware that illiteracy was a threat to the country's future. However, a number of studies, some of them conducted by UNESCO, had shown that illiteracy rates had fallen by nearly 10 per cent between 1989 and 1999; in 1999 the rate had been 19.5 per cent. Much remained to be done, therefore, to bring Honduras down to the average for Central America (11 per cent). Nevertheless, it was hoped that the strategies adopted would enable that to happen by 2007.

41. He said that the 1990s had seen significant progress with regard to indigenous peoples' rights. Not only had legislation been enacted to address the particular educational problems of indigenous groups, but, in particular, Garífuna-language textbooks had been published for the first time. There was a permanent office within the Ministry of Education, directly responsible to the Minister, which ensured that indigenous peoples' problems were taken into account throughout the educational system. Special offices (*fiscalías especiales*) had been set up to protect ethnic minorities and preserve the country's cultural and archaeological heritage. They were staffed by legal officers who helped indigenous peoples to defend their rights, particularly cultural and property rights.

42. Mr. MEDINA (Honduras) said Honduras had signed International Labour Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and the Government was taking the provisions regarding the protection, preservation and development of indigenous peoples' culture very seriously. The preservation of the culture of black and indigenous groups, for example, was an important part of the work of the Institute of Anthropology and History. Contrary to the complaint referred to by Mr. Pillay, Honduras could not be said to lack respect for Garífuna culture: both the Government and the people of Honduras were well aware of the invaluable contribution the black Garífuna people made to the cultural wealth and pluralism of the country. There was no ethnographical museum or national festival dedicated specifically to indigenous groups, but they had plenty of opportunity to express their rich, thousand-year-old culture, which the whole country took pride in.

43. With regard to the sensitive issue of land, he agreed with Mr. Marchán Romero that the adoption of the Farming Sector Modernization Act had made land into no more than a commodity for trade. That had enabled large companies to buy land from peasants and expand their property holdings by encroaching on land that had originally been exclusively given over to agricultural production. That development had provoked a general outcry and the Act was now being revised.

44. Mr. EUCEDA (Honduras) said that a number of university anthropologists were working on the preservation of indigenous languages. Several important publications had emerged from their work, including a Garifuna-Misquito dictionary. In the area of education, the State had made great efforts to improve coverage in indigenous territories and every village, however small or remote, now had a school. The strategy the Government had adopted to attain this remarkable achievement had been to get the indigenous community to build the school, but using State resources and technical assistance. It had to be said, however, that the Government had experienced difficulty in finding teachers who were prepared to work in the remotest areas.

45. Mr. GRISSA said it was regrettable that the delegation had not replied to his question on the percentage of children not enrolled in school in urban and rural areas. The fact that low enrolment rates was a problem throughout Central America was no excuse and the Government should have addressed the problem long ago. Education expenditure was the most important productive investment a State could make: in modern times, a generation that did not go to school was simply a lost generation. As to the difficulty of recruiting teachers who were prepared to work in remote areas, the Government should adopt measures that had been successfully applied by a number of countries, i.e. paying bonuses and providing benefits in kind such as easy access to housing.

46. Mr. WIMER ZAMBRANO said he had been surprised to hear the delegation mention an increase in the resources devoted to primary education, because according to a table in the written replies, the percentage of total public expenditure allocated to primary education had fallen from 44.4 per cent in 1998 to 37.1 per cent in 1999. Surely that was a decrease? He also wondered whether any teaching, particularly in primary schools, was given exclusively in one of the indigenous languages. Lastly, he asked for information concerning the use of indigenous languages in administrative and judicial procedures.

47. Mr. PILLAY said that primary education appeared to be faced with three major problems: a chronic shortage of teachers in rural areas; a large number of girls who were not enrolled in school; and the fact that every year nearly 175,000 children did not receive any form of education. What steps was the Government taking to deal with those problems?

48. Mr. EUCEDA (Honduras) agreed with Mr. Grissa that his Government had no excuse for not overcoming all the difficulties that beset the education sector. He wished to point out however, that, given the magnitude of the problem and current demographic trends, to do so would require time, if only because of the infrastructure that would be needed. That having been said, the Government had addressed itself to the task, giving priority to rural areas. Steps had been taken not only to improve teachers' status but also to encourage them to work in remote regions. It was true that education expenditure had fallen from 44.4 per cent to 37.1 per cent of total public expenditure, but it should be remembered that in absolute terms resources for

education were continually increasing. With regard to the Dakar Framework for Action on education for all, he said that the Government was planning, with UNESCO's help, to draw up a national plan on education for all. A delegation from Honduras had recently attended a meeting in Bolivia, where one of the main decisions had been to draw up a similar plan for the whole of Latin America.

49. He said that Honduras did not have an educational television channel but that national radio broadcast a number of educational programmes. Commercial radio, too, broadcast educational programmes, chiefly as part of the anti-illiteracy campaign. The Government subsidized any NGO wishing to design and publish educational programmes. With regard to the link between infant mortality rates and mothers' illiteracy, he said that reproductive health education programmes had been developed, not only for mothers-to-be but also for fathers-to-be. The programmes had been designed following widespread consultation between the Government and civil society at all levels and prioritized awareness-raising and prevention. Lastly, he said that no teaching in Honduras took place only in one of the indigenous languages.

50. Mr. MEDINA (Honduras) said that, according to the law, administrative and judicial procedures should be conducted in the official language, Spanish. Many indigenous people understood and spoke Spanish, but interpretation was available when necessary.

51. The CHAIRPERSON invited the delegation of Honduras to make a final statement.

52. Mr. MEDINA (Honduras) said his Government was determined to fulfil all its obligations under the Covenant. He admitted, however, that the Covenant, unlike other international instruments, had not been publicized sufficiently widely in Honduras. He said that his delegation had been asked a number of questions relating to gender equality and pointed out that the Committee could set an example by increasing the number of its women members. Lastly, he assured the Committee that all the supplementary information it had requested would be forwarded as soon as possible.

53. The CHAIRPERSON thanked the members of the delegation of Honduras for their contribution to a constructive dialogue with the Committee and reminded them that the Office of the United Nations High Commissioner for Human Rights (OHCHR) was ready to provide technical assistance to any country that requested it. She said that the Committee had completed its consideration of the initial report of Honduras.

The meeting rose at 6 p.m.